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The Idaho Courts

1981 Annual Report

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PUBLISHED

PURSUANT TO SECTION 1-612

OF THE IDAHO CODE

ON BEHALF OF THE SUPREME COURT OF IDAHO

Robert E. Bakes, Chief Justice

Joseph J. McFadden, Justice

Stephen Bistline, Justice

Charles R. Donaldson, Justice

Allan G. Shepard, Justice

BY THE ADMINISTRATIVE OFFICE OF THE COURTS

Carl F. Bianchi
Administrative Director of the Courts

ON THE COVER: The Fremont County Courthouse, a classical-styled three-story structure is located in St. Anthony, Idaho. The brick courthouse, built in 1909 and still in use, was designed by the Boise architectural firm of Wayland & Fennell and constructed by Perham and Harris. Of the building's $47,000 construction cost, only $20,000 was paid by the county; the balance of the cost was contributed by citizens of St. Anthony. Source: *Saints and Oddfellows, a Bicentennial Sampler of Idaho Architecture,* by J. Meredith Neil.

Cover ink drawing and all graphs and charts in this report were drawn by John R. Blout of the Administrative Office of the Courts.

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IDAHO COURTS ANNUAL REPORT

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A separate Appendix to the 1981 Courts Annual Report is available upon request. The Appendix contains detailed case statistics from all courts in the state, with individual district and county summaries.

INTRODUCTION

THE EVOLUTION OF A MODERN JUDICIARY

by John Corlett*

The judiciary is a co-equal in the triumvirate of Idaho's state government, but its place among the executive and the legislative branches is not well described in the history books and the general literature of political development.

The Idaho judicial system stands apart — as probably it should — and yet it has a great, if not greater, impact on the people and the development of Idaho as the executive branch and the legislature. Consider, for example, that in all the courts each year there is filed one case for every three Idahoans. The new cases filed each year are in the hundreds of thousands.

The popular description of a judicial system is that it interprets the laws and the constitution. The judiciary which, along with the legal profession, uses and works with a complex lexicon, does far more than interpret. The judiciary umpires and decides disputes of incalculable variety, assuring that each decision is made within the due process of law. The judicial system brings criminals to justice. This is a system of a civilized society to settle disputes without violence, and to limit lawlessness under a stringent code that justice and fairness shall prevail.

The growth of population, the changing mores, and the increasing problems engendered by an onrushing technology add burdens on the judiciary at an ever increasing rate. The more automobile accidents, the more lawsuits and traffic citations. The increasing number of divorces increase the caseload in the courts. New technologies create the need for new regulations. They also create societal changes that demand judicial action. The Idaho legislature adds new laws and amends old ones at the rate of more than 300 a year. All of the new laws regulate in some form and in the public interest the lives of all Idahoans. The judicial system is asked in those hundreds of thousands of cases to make sure that justice does prevail in any dispute or difference of opinion about those regulations.

Unlike many states, Idaho has developed a judicial system with administrative procedures that can handle the ever-growing caseload. Judicial reform, seldom experienced in such completeness, came to Idaho beginning in 1971. Probate, justice of the peace, and municipal courts were consolidated into a magistrate division under the jurisdiction of the district courts. Seventy-one magistrates by 1980 replaced more than 250 justices of the peace, probate and police judges. The fewer judges handle the heavier caseload more efficiently.

The Idaho judicial system has become a model for other states. It has taken more than just establishing a two-tiered court system — appellate courts and district courts with their magistrate division — to become that model. The emphasis since 1971 has been on administration. The administrative office of the courts, serving under the supreme court, was created. Trial court administrators were created in each of the state's seven judicial districts. A judicial council was established. It nominates lawyers for appointment by the governor to fill district and supreme court vacancies. It investigates complaints against judges and may recommend discipline against them and removal or retirement.

The judicial changes did not come overnight. It took almost 20 years before the 1969 legislature enacted the reforms, which became effective January 11,1971.

Some changes took place before the concentrated reform effort of the Idaho Bar Association in the 1950's and 1960's. Originally supreme court and district court judges were nominated and elected on a partisan political basis. In 1933 the legislature provided that judges shall be elected on non-partisan ballots.

One of the most far-reaching changes was the establishment of seven judicial districts in the state. The constitution created five judicial districts in 1890, but allowed the number to be changed by the legislature. By 1966 the number of districts had been increased to 13. They were unequal in service. Two districts were created, for example, in Bonneville County. Greater equality was provided by establishing the seven districts both in caring for caseload and in administration of the courts. There are now 31 district judges in the seven judicial districts.

As long ago as 1908, the people approved a constitutional amendment that would have eliminated probate courts and placed their duties with the district courts. The Idaho Supreme Court in 1909 said the amendment was not constitutional because it included six separate changes in the judiciary. Not until 1962 did the people again approve elimination of not only the probate court but the justice of peace courts as well, and direct the legislature to establish inferior courts below the district courts. One of the amendments also provided that "the courts shall constitute a unified and integrated judicial system for administration and supervision by the supreme court." Efforts were taken in 1955 to move slowly into the court reform area by lessening the powers of probate and justice of the peace courts, but it became apparent as time went on that the answer was to eliminate those courts and allow the legislature to provide what became a "unified and integrated judicial system." The electorate obviously agreed by approving the necessary constitutional amendments.

The next steps were to enact the laws needed to provide the unified judicial system, and to make additional amendments to the constitution to establish a method for nominating judges, to fill vacancies to be appointed by the governor, and to provide a means for discipline, retirement, and removal from office of justices and judges.

The 1965 legislature created a legislative council interim committee on courts. The committee developed a series of bills to provide the reforms and they were introduced and passed by the 1967 legislature. The package was vetoed by then governor Don Samuelson. Two constitutional amendments proposed by the 1967 legislature to provide the means for nominating and discipling judges were approved by the voters at the 1968 general election. The 1969 legislature again passed the court reform package with minor changes to meet Samuelson's objections. The governor signed the bills, and they became effective January 11, 1971. With the signing of those bills, almost fifty years of court reform efforts were rewarded with the genesis of one of the most modern court systems in the nation.

*A retired veteran political reporter and commentator for a major Idaho newspaper, John Corlett is the editor of the *Idaho Almanac*. This introduction was written on the occasion of the national bicentennial.

IDAHO'S OLDEST COURTHOUSE — The two-story log courthouse still standing at Pierce City has the distinction of being Idaho's oldest public building. The building was completed in 1862 and served as Shoshone County's official courthouse until 1884. Ink sketch donated by John A. Bianchi.

IDAHO JUDICIAL SYSTEM

SUPREME COURT

Chief Justice and Four Associate Justices. Terms of 6 years after non-partisan at-large election, with staggered terms. Voluntary retirement at age 65. Mandatory retirement at age 70.

ORIGINAL JURISDICTION IN:

(1) Claims against State (advisory opinions)

(2) Extraordinary writs

APPELLATE JURISDICTION IN:

(1) Appeals from interim orders and final judgment in district courts

(2) Appeals from administrative agencies

(3) Appeals from the Court of Appeals

COURT OF APPEALS

Chief Judge and 2 Associate Judges. Terms of 6 years after non-partisan at-large statewide election, with staggered terms. Voluntary retirement at age 65. Mandatory retirement at age 70.

Jurisdiction limited to appeals from the district courts which are assigned by the Supreme Court.

DISTRICT COURTS

31 Judges presently authorized. Terms of 4 years after non-partisan election within the judicial district. Voluntary retirement at age 65. Mandatory retirement at age 70.

ORIGINAL JURISDICTION OVER CIVIL AND CRIMINAL CASES INCLUDING:

(1) Personal injury and other torts
(2) Contracts
(3) Domestic relations
(4) Felonies
(5) Post-conviction review
(6) Habeas corpus

APPELLATE JURISDICTION:

(1) Appeals from Magistrates Division
(2) Appeals from State Agencies and Boards
(3) Appeals from Small Claims Departments

MAGISTRATE DIVISIONS

71 Judges authorized. Terms: Initial 2 years upon appointment by district magistrates commission; subsequent 4-year terms by county election on record. Retirement at age 65, with approval, may serve to age 70.

JURISDICTION GENERALLY:

(1) Civil actions to $10,000
(2) Forcible entry and detainers
(3) Liens to $2,000 on real or personal property
(4) Probate and Adm. of Decedent estates
(5) Juvenile proceedings
(6) Misdemeanors
(7) Arrest warrants; searches and seizures
(8) Preliminary hearings for probable cause on felony complaints
(9) Domestic relations

SMALL CLAIMS DEPARTMENTS

Magistrates sit for small claims

Jurisdiction limited to civil actions up to $2,000 and over defendants within county of location

No attorneys allowed in small claims actions

No jury trials in small claims cases

↑ Indicates court to which appeals are taken.

The Idaho Courts Today

Model for Other States

Idaho's court system today is recognized as a model for other states. Constitutional amendments in the early 1960s gave the Idaho Supreme Court management authority over the trial courts, firmly establishing the Supreme Court's rule-making powers and providing a method of supervising trial court operations. The judicial reform efforts which culminated on January 11, 1971, streamlined Idaho's trial courts by consolidating the various probate, justice and municipal courts into a general jurisdiction District Court, with a division for special types of action. Thus unified, Idaho's "two-tiered" court system is one of the nation's most modern in design.

The Idaho court system recently was ranked fourth in the nation in its degree of management unification.

The Supreme Court

The Supreme Court of Idaho is the State's court of last resort. The Court hears appeals from final decisions of the District Court, as well as from orders of the Public Utilities Commission and the Industrial Accident Commission. The Supreme Court also may grant petitions for review and hear appeals from the Court of Appeals.

It has original jurisdiction to hear claims against the state and to issue writs of review, mandamus, certiorari, prohibition and habeas corpus, and all writs necessary to compiete exercise of its appellate jurisdiction. For the convenience of litigants, the Idaho Supreme Court is one of the few "circuit-riding" supreme courts in the country, and holds twelve terms of court: four in Boise, two in Twin Falls, two in Pocatello, two in Lewiston, and two in Coeur d'Alene. The court hears additional appeals in Boise during special "expedited calendar" days.

The Supreme Court is also responsible for the administration and supervision of the appellate and trial courts, as well as the operations of the Administrative Office of the Courts, the Supreme Court Clerk's Office and the State Law Library. These latter operations are located, along with the Justices' offices and courtroom, in the Supreme Court Building in Boise.

The Supreme Court consists of five justices who are elected at large, on a statewide non-partisan ballot, for a term of six years with their terms being staggered so continuity on the Court will be maintained. A candidate for justice must be a qualified elector and a duly qualified attorney at law. The chief justice is selected by the other justices to preside over court activities during his term. During 1981, Justice Robert R. Bakes served as Chief Justice.

Court of Appeals

The Idaho Court of Appeals is the state's intermediate appellate court. The court hears appeals from the district courts which are assigned by the Supreme Court. It has no original jurisdiction, but may issue such orders and writs which are necessary to exercise its appellate jurisdiction. Created by statute to begin on January 4, 1982, the new court will assist the Supreme Court in resolving a growing number of pending appeals. While litigants may petition the Supreme Court to review a decision by the Court of Appeals, there is no further right of appeal, and it is expected that few cases will be further appealed from Court of Appeals decisions. For the convenience of litigants and attorneys, the Court of Appeals may travel to hear cases anywhere in Idaho. It does not have a statutory "circuit riding" schedule as does the Supreme Court.

The chambers of the judges of the Court of Appeals are located in an office building near the Supreme Court building in Boise. The filing and business office of the Court of Appeals is the Supreme Court Clerk's office in the Supreme Court building. Only one filing and one filing fee is necessary to process an appeal, whether the appeal is heard by the Supreme Court or the Court of Appeals.

Jurisdiction of the Court of Appeals is limited to appeals from the district courts which are assigned by the Supreme Court. By statute, the Supreme Court may not assign cases involving imposition of sentences of capital punishment in criminal cases, nor appeals from the Industrial Commission or the Public Utilities Commission. After a case becomes "at issue" (all transcripts and briefs are filed) the appeal is screened, and may be assigned to the Court of Appeals by a Supreme Court Justice who has been designated as Assignment Justice. During 1981, Justice Charles R. Donaldson served as Assignment Justice.

The Court of Appeals consists of three judges who are elected at large, on a non-partisan statewide ballot, for a term of six years with their terms being staggered so that continuity will be maintained. A candidate for Court of Appeals judge must be a qualified elector and a duly qualified attorney at law. The Chief Judge of the Court of Appeals by statute is appointed by the Chief Justice of the Supreme Court. The Honorable Jesse R. Walters presently serves as Chief Judge.

The Trial Courts

The district court is the trial court of general jurisdiction. A magistrate division exercises limited jurisdiction. The magistrate division, in turn, has a small claims department. While individual judges may serve either in district court cases or magistrate division cases, it is one integrated court.

The district court judges have original jurisdiction in all cases and proceedings. They may issue extraordinary writs, and may also hear appeals from the magistrates division, and certain agencies and boards. There are 31 district court judges (see appendix exhibit A), who sit in each of the 44 counties. They are Idaho attorneys, elected by non-partisan ballot within the judicial district in which they serve. Each district court judge is served by a court reporter who makes a record of all proceedings and testimony in a case.

Judges of the magistrate division may hear civil cases where the amount of damages requested does not exceed $10,000; proceedings in forcible entry, forcible detainer and unlawful detainer; for the limited enforcement and foreclosure of common law and statutory liens on real or personal property; proceedings in the probate of wills and the administration of estates of decedents and incapacitated persons; juvenile proceedings; criminal misdemeanor offenses; proceedings to prevent the commission of crimes; may issue warrants for the arrest or for searches and seizures, and may conduct preliminary hearings to determine probable cause on felony complaints. In some judicial districts, lawyer magistrates also may hear domestic relations and support cases.

There are 71 magistrate judges of the magistrate division, (see appendix exhibit A), with at least one resident magistrate judge appointed for each county. Additionally, six district trial court administrators are appointed as judges of the magistrate division and assist with judicial duties. Several magistrate judges in more rural areas serve on a part-time basis. Approximately 30% of Idaho's magistrate judges are not lawyers, relying on substantial practical experience in legal matters. Non-lawyer judges must be certified to handle criminal and juvenile cases.

Judges of the Magistrate Division may also handle small claims cases. These are minor civil actions where less than $2,000 is involved. The small claims department is designed to provide a quick, inexpensive solution to such claims. No attorneys are allowed in small claims cases, nor are there jury trials. Appeals from small claims decisions are taken to the district court proper.

The Judicial Council

The Idaho Judicial Council is empowered by statute to nominate to the Governor persons for appointment to vacancies in the Supreme Court and district courts. It may make recommendations to the Supreme Court for the removal, discipline and retirement of judicial officers. It is comprised of seven members: the Chief Justice of the Supreme Court, who is chairman, a district court judge and two lawyers appointed by the governing board of the Idaho Bar with the consent of the state senate and three non-attorney members appointed by the Governor with the consent of the senate. Since its creation in 1967, the council has nominated lawyers for appointment by the Governor to fill vacancies on the Supreme Court and district courts, as well as conducted studies resulting in recommendations for improvements of the judicial system. Sitting in its disciplinary capacity, the Council may investigate complaints against justices or judges of the supreme or district courts, and in appropriate cases it may recommend to the Supreme Court the removal, discipline or retirement of a justice or judge. A Boise attorney, Robert Hamlin, presently serves as Executive Secretary to the Council.

JUDICIAL COUNCIL

7 Members

Chief Justice, Chairman
3 Attorneys (one of whom must be a district judge)
— Appointed by Board of Commissioners of Idaho State Bar with consent of Senate.
3 Non-Attorneys
— Appointed by Governor with advice and consent of Senate.

Terms: 6 years, Staggered terms.
Duties: (1) Conducts studies and makes recommendations to Legislature and Supreme Court.
(2) Recommends appointments to Governor to fill vacancies.
(3) Recommends discipline, removal or retirement of Justices and judges.

Court Planning

While studies have found that planning is largely undeveloped in other state court systems, the Idaho judicial system has utilized planning as an effective management tool since 1973. The Supreme Court annually prepares a comprehensive plan, setting long and short range goals and objectives for courts, and judicial personnel work throughout the year to achieve those goals and objectives. The annual plan also contains district goals and objectives developed by the administrative district judge and trial court administrator for each of the seven judicial districts in Idaho. Once approved, the plan serves as a basic policy guide for administrative operations, and is distributed to all judges as well as to other state government agencies and branches which work in cooperation with the courts. The Idaho court planning program is a national model of management by objectives in a judicial environment.

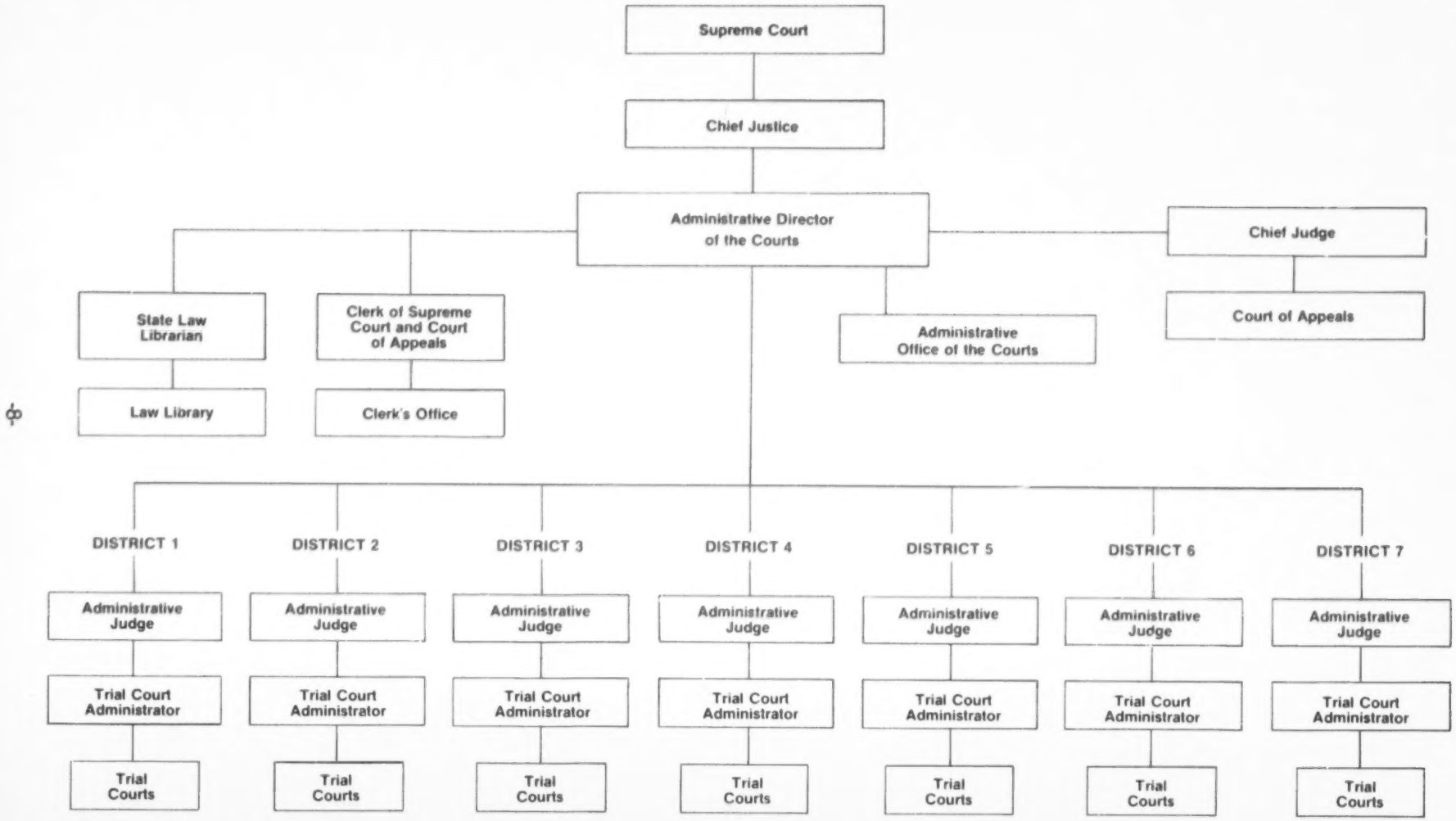
Philosophy for Idaho Court Operations

Working with the trial judges, the Supreme Court has identified six major goals for the Idaho court system:

- Increasing the accessibility and improving the services of courts to the public.
- Eliminating delays in case processing, while maintaining the quality and justice of legal decisions.
- Protecting the confidentiality of personal, private information concerning individuals involved in court actions, while allowing free access to court information that is of public record.
- Maintaining the independent nature of the courts as a separate branch of government and allowing the Supreme Court to fulfill its constitutional authority and responsibility to manage the affairs of the judiciary.
- Strengthening and increasing the unification of the Idaho judicial system through centralized standards and rules, regionalized implementation of operations, and a greater communication with individual judges of the goals of unification.
- Increasing the level of professional excellence of all court personnel.

Each year the Supreme Court and the trial courts establish planned objectives designed to achieve these goals.

IDAHO JUDICIAL SYSTEM
ADMINISTRATIVE STRUCTURE



The Idaho Court System was unified by constitutional amendment in 1962 under the management and supervision of the Idaho Supreme Court. In recent years the Idaho Court System has been ranked fourth in the nation in its degree of management unification. Unified in management, consolidated in structure, Idaho stands as a model for other state court systems.

Judicial Administration

Regional Administrative Structure

As shown in the chart on page 8, opposite, the Supreme Court has the ultimate authority for supervising and administering the Idaho court system. The court establishes statewide rules and policies for the operation of its internal functions and of the trial courts, with the administrative office of the courts carrying out much of the day-to-day administrative duties of the statewide court system.

The state is divided into seven judicial districts, with an administrative judge in each district. An administrative judge, assisted by a trial court administrator, is responsible for managing court operations in the district, for arranging case calendars and assigning judges to cases and for supervising the clerks of the district courts. This regional administrative structure is designed to delegate a great deal of authority to the trial judges and insure their participation in policy decisions, while still maintaining uniform statewide rules and procedures.

The Administrative Office of the Courts

The Administrative Office of the Courts was created by statute and assists the Supreme Court in its constitutional responsibility to supervise and administer the Idaho court system. The director of the administrative office supervises the administrative staff of the judiciary, as well as the operations of the supreme court clerk's office and the state law library. The office monitors the operations of the district courts, performs planning functions for the Supreme Court and implements recommendations for the improvement of the judicial system. The office also prepares the annual appropriations request for the judiciary and supervises expenditures under the unified judicial budget. Judicial conferences and training seminars are developed and conducted by the administrative office, and the office obtains and supervises federal grants on behalf of the court. The administrative director develops and administers personnel standards for judicial employees, assigns trial judges when there are disqualifications, directs the activities of the district trial court administrators, and acts as liaison for the state judiciary with the Idaho Legislature, other public agencies, and the media.

Trial Court Administration

The administrative judge in each district (see appendix exhibit B) is chosen for this office by the other district judges, and performs one of the most important functions in the court system. The administrative judge is responsible for the administration of the district courts and magistrate divisions within the judicial district. The administrative judge assigns all cases and insures that the court calendars remain current. Final recommendations for local court budgets and facilities are made by the administrative judge, as well as personnel decisions for the district. Local rules of practice and procedure are recommended to the Supreme Court by the administrative judge with the concurrence of the other district judges, and the administrative judge also supervises the clerical staff of the district courts. The administrative judge additionally serves as chairman of the district magistrates commission, a representative body of county commissioners, mayors, citizens and private attorneys which appoints judges to the magistrate division for their initial terms.

There is a trial court administrator in each of the seven judicial districts (see appendix exhibit B). Under the supervision of the administrative judge for the district, the trial court administrators assist in the overall management of court operations within the judicial district, with particular emphasis on the magistrate division. Each of the trial court administrators assists in preparing budgets for court facilities and county-funded support staff, such as clerical personnel, bailiffs, and probation officers. The administrators work with jury commissioners in establishing the proper number of jurors to be called and impaneled, as well as assuring the statutory standards for jury duty exemptions are followed. While most of the statewide court information reports are prepared by district court clerk offices, the trial court administrators supervise this reporting function, as well as analyze the statistical reports that are produced by the administrative office of the courts to pinpoint cases that require immediate disposition and to maintain uniformity in caseloads for individual judges.

The trial court administrators perform non-judicial public information duties, answering complaints and disseminating information concerning the trial courts. For liaison purposes with law enforcement and other public officials, they may attend designated public meetings as court representatives. Under the general direction of the administrative judge, they also assign cases and perform calendaring functions. They maintain personnel records for state judicial employees in the district, including sick leave, vacation leave and attendance at judicial education programs.

Six of the trial court administrators alsc are appointed as judges of the magistrate division and perform judicial duties in addition to their administrative functions.

The administrative judges and trial court administrators meet in regularly scheduled administrative conferences with the Supreme Court to discuss caseload and procedural problems, and to develop improvements in court rules and operations. Administrative conference minutes are distributed to all judges in the state.

Supreme Court Clerk's Office

The office of the clerk of the Supreme Court performs a variety of important tasks for the judiciary. The office manages the legal and clerical functions of the Supreme Court and the Court of Appeals, including the preparation of calendars, maintenance of the docket, assuring proper flow of cases and distribution of final opinions. The publication of the Idaho Reports is coordinated by the Supreme Court Clerk's office. The office handles all filings of legal papers and petitions which are under jurisdiction of the Supreme Court and Court of Appeals and provides technical services for official ceremonies, including admissions of new attorneys and memorial services. During 1976, the Supreme Court Clerk's office began using a computerized management reporting system to help monitor procedural steps in appeals before the Supreme Court and Court of Appeals.

State Law Library

The Idaho State Law Library was established in 1892 under an Idaho territorial statute. It is operated by the state law librarian, under the supervision of the Administrative Director of the Courts. The law library is used by the judiciary, public officials, lawyers, and is widely used by students, research personnel and the general public.

The law library contains over 90,000 bound volumes and thousands of pamphlets and unbound publications. The state law library is also a depository for U.S. government publications. The library is primarily a research facility. Photocopy service is available for patrons, for a fee.

The bound volume collection includes the reported cases of all federal and state courts of last resort, the statutes and session laws for each of the 50 states together with some statutes and case reports of other English-speaking peoples. The collection of federal law includes the reported cases of the federal courts, most of the federal administrative board decisions, federal statutes and regulations, the debates of the federal congress, some of the congressional hearings, and a wealth of U.S. legislative history. In addition, the state law library contains legal periodicals, digests, citators, encyclopedias, treatises of law, and English case reports. A card catalog is maintained for the convenience of patrons. During 1978, the law library became one of the first in the nation to prepare its own catalog cards by computer.

District Court Clerks

The district court clerks and their deputies in each of the 44 counties provide essential support services to the district and magistrate judges. In addition to county auditor and recorder duties, under the supervision of the administrative judge, the district clerks handle all case filings and insure smooth civil and criminal case processing. They also file reports on all cases with the administrative office of the courts to help compile the courts' management reports. The district court clerk offices are the entry point for citizens seeking access to court services, and thus serve an important public information service for the courts. Using statutory formulas, they are responsible for distributing court fees and fines to a number of state and county funds. As an elected county official, the district court clerk serves as one of the pivotal links between the state judiciary and county government.

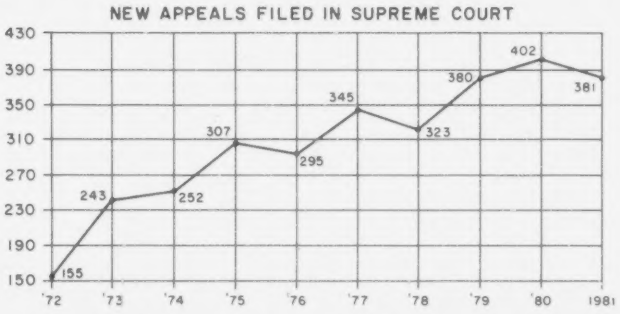
Supreme Court Committees

From time to time, the Supreme Court has appointed committees to examine and make recommendations on important court issues and procedures. Composed at various times of judges, attorneys in private law practice, prosecutors, public defenders, court administrative and clerical staff and private citizens, these committees have made important contributions to the judiciary, often at loss of personal income and leisure time for committee members. During 1981, a Court-Bar committee chaired by Justice Charles R. Donaldson began work to revise pattern jury instructions in civil cases filed in the state courts. A special committee with court, Bar, local government and law enforcement representation chaired by District Judge John Maynard completed an interim study and recommended sweeping changes to the Idaho Traffic Infractions Act. Standing Court committees reviewed and recommended procedural changes in court rules governing civil, criminal, juvenile, and appellate rules, while a special Court-Bar committee chaired by attorney Tom Miller made recommendations to the Supreme Court on policy issues governing Court of Appeals operations.

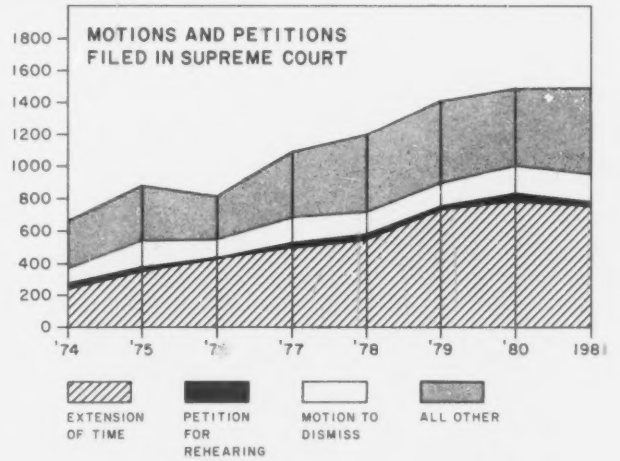
Supreme Court Caseload

Case Filings Down Slightly

New appeals filed with the Supreme Court in 1981 were slightly down from the record high of last year, perhaps reflecting the increase in the rate of interest on judgments to 18% and the general economy. During 1981, 381 new appeals were filed, 5.2% less than the 1980 record high of 402 new appeals.

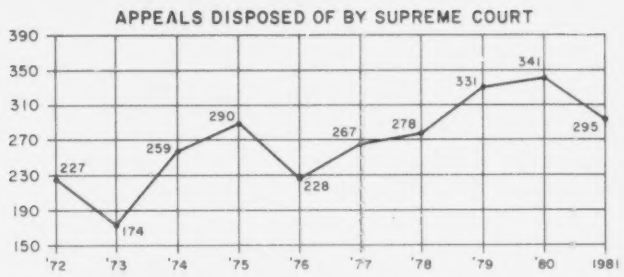


Petitions and motions rose slightly in 1981, maintaining the still considerable strain on Idaho's appellate system. During 1981, 1,507 new petitions and motions were filed with the Court. The Justices dealt finally with 1,493. The number of new petitions and motions during 1981 increased 1% from the 1980 total of 1,491. Also filed with the Court during the year were 67 original proceedings and 7 attorney discipline matters.



Dispositions Remain High

While lower than last year's all-time record, dispositions by the Idaho Supreme Court remained high during 1981. The Court disposed of 295 appeals in 1981, a 14% decrease from the record 341 dispositions in 1980.

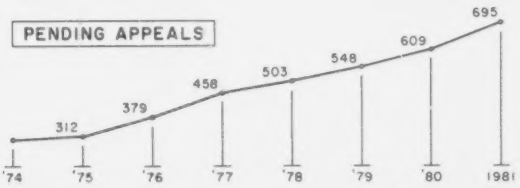


During 1981 the Supreme Court produced 141 majority opinions, a 29% decrease over the all-time record 198 majority opinions set in 1980.

Supreme Court Majority Opinions

Calendar Year	Opinions
1981	141
1980	198
1979	188
1978	157
1977	169
1976	136
1975	176
1974	182
1973	115
1972	123
1971	125

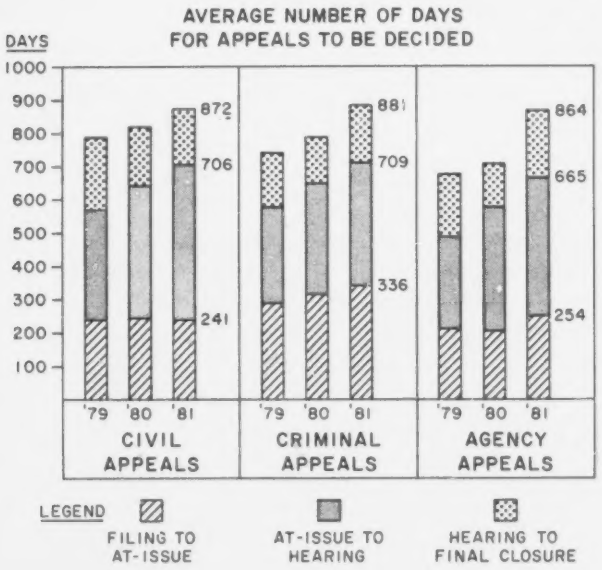
The total number of appeals pending before the Supreme Court has risen steadily and sharply since 1974. At year's end there were 695 appeals which had been filed with the Court and were still awaiting final disposition.



Raw numbers of pending appeals do not tell the whole story: the amount of time people must wait to have their cases decided by the Idaho Supreme Court has increased to unacceptable proportions.

During 1981 it took an average of 873 days from the time an appeal was filed with the Supreme Court until the Court finally concluded its work on the case. Cases still waiting to be decided will have even longer delays. The average time it takes from when a case is

fully briefed and ready to be argued until the Supreme Court is able to hold a hearing for oral argument has grown steadily from 94 days in 1976 to 433 days in 1981.



The Supreme Court was again fortunate to have the assistance of a number of district judges, who served as temporary appointed justices when there were disqualifications and when additional assistance was needed during 1981:

The Honorable Robert B. Dunlap
The Honorable W. E. Smith
The Honorable Charles Scoggin
The Honorable George W. Hargraves
The Honorable Roger Swanstrom

In addition, The Honorable Henry F. McQuade, retired Supreme Court Justice, served as a temporary justice.

Court of Appeals to Begin in 1982

After several years of study and debate, legislation creating an Idaho Court of Appeals was passed during the 1981 legislative session and signed into law by Governor John V. Evans. Under the terms of the new law the Court of Appeals judges take office on January 4, 1982.

The new Idaho Court of Appeals will consist of three appellate judges and their immediate staff, with offices in Boise, although the new court is authorized to travel and hear cases anywhere in the state. The Court of Appeals judges are selected in the same manner as Supreme Court Justices, and serve for six year terms. All appeals continue to be filed with the Supreme Court, which in turn assigns cases to the Court of Appeals. Appeals involving sentences of capital punishment in criminal cases, and appeals from the Public Utilities Commission and Industrial Commission are retained by the Supreme Court. The Court of Appeals will perform an error correction function, and further appeals from the Court of Appeals to the Supreme Court will be granted only in the discretion of the Supreme Court.

The new Idaho Court of Appeals Act adopts a "one filing, one fee" approach to appellate justice. Regardless of which court hears the appeal, only one set of briefs and only one filing fee will be required.

Trial Courts Caseload

First Decline in Ten Years

During the last several years, new cases have been filed in the Idaho courts at an almost uniform 4 to 5% annual increase. New case filings in 1981 took a surprising downward turn, declining by about 6% or a little over 19,000 cases from the 1980 totals. The big decline in filings occurred in the magistrate division, where new cases filed dropped from 310,366 in 1980, to 292,221 in 1981, a 6% decrease. District court filings declined 9%, from 11,151 in 1980 to 9,892 in 1981.

The growth in trial court business has had a number of contributing factors during the last decade, including the sharp growth of Idaho's population and the increased numbers of attorneys admitted to practice. While those factors continued to influence trial court business, the decline in case filings in 1981 may signal a leveling off of growth or be the result of recessionary influences on the state economy.

Case filings alone do not tell the whole story of business in the trial courts. Trial judges report that individual cases have become more complex, and that the time required to dispose of individual cases has expanded.

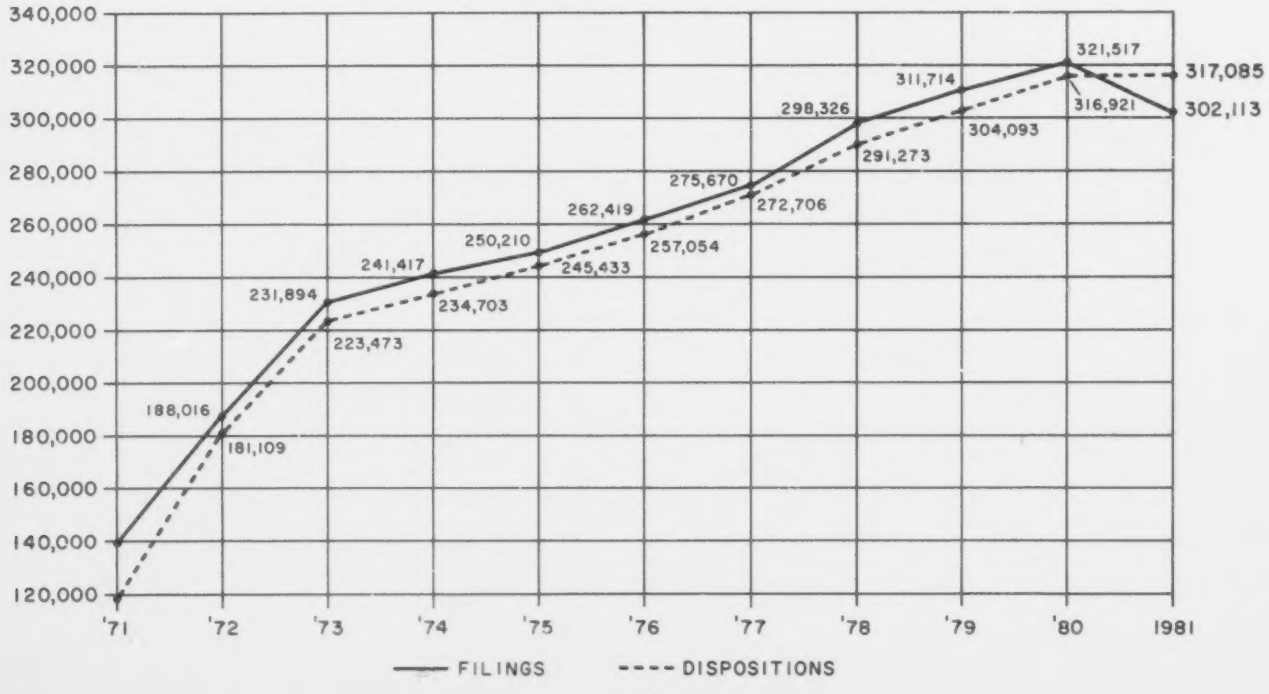
District judges and judges of the magistrate division increased their disposition of all cases by 0.05% over 1980, disposing of 317,085 cases during the past calendar year, as compared with 316,921 cases in 1980. The number of cases pending on December 31, 1981 was 43,592.

The average number of new cases filed for each district judge in the state in 1981 was 330 cases, while the average for judges of the magistrate division was 4,116 new cases. This compares with new case filings in the prior year of 385 cases per district judge and 4,371 new cases per magistrate judge. The district judges disposed of an average of 377 cases per judge during the year, while the judges of the magistrate division averaged 4,307 dispositions per judge.

Of the civil cases which received final judgment in the trial courts in 1980, 23,222, or 45%, received a trial or hearing. Of these, 9,008 were disposed of with a court or jury trial. On the criminal side, 98.1% of these cases were disposed of through pleas or dismissals, while 4,631 or 1.9% received a court or jury trial.

(A more detailed summary by case type, showing filings, dispositions, and pending cases for the district court and magistrate division statewide, by district and by county, is contained in the appendix to this report. The appendix is available upon request from the Administrative Office of the Courts.)

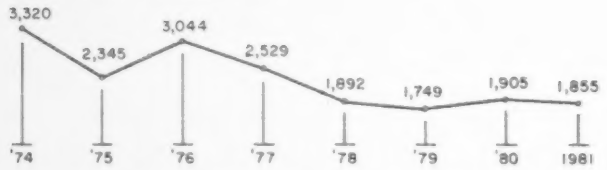
CASE FILINGS AND DISPOSITIONS IN TRIAL COURTS



Drug Cases Down

After a one-year lapse in 1980, drug-related complaints filed in the state courts continued their general downward trend. There were 1,855 new drug abuse complaints filed in 1981, about a 2.6% decrease from the 1980 total of 1,905.

DRUG ABUSE COMPLAINTS



Petitions against juveniles for drug-abuse charges dwindled to 52 statewide, down from 59 petitions in 1980. Petitions against juveniles represented only 2.8% of the total drug abuse case filings in Idaho.

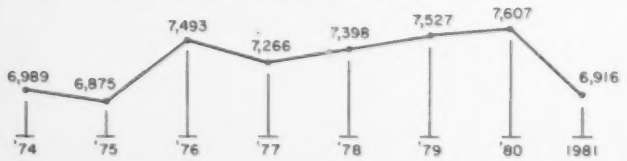
Despite the declining complaints, the trial courts disposed of a greater number of drug cases in 1981 than in 1980, making final judgments in 2,011 cases in 1981, as compared with 1,901 cases in 1980.

Juvenile Petitions Down Moderately

In special proceedings, the number of new Youth Rehabilitation Act petitions remained generally at a level consistent with prior years. The 1981 total of 6,916 new petitions was a 9% decrease from the 1980 total of 7,607 petitions.

This rather steady level of new juvenile cases filed with the courts, when compared with Idaho's population growth over the same period and generally increasing juvenile crime rates of other states, probably evidences the successful efforts of courts and social agencies to divert less serious juvenile charges from the courts. With the leveling off in the number of youths placed in institutional settings reported by the state Department of Health and Welfare, along with the increased involvement of private citizens and agencies in prevention and treatment programs for juveniles, juvenile court caseloads are seen as favorable trends.

YOUTH REHABILITATION ACT PETITIONS



The magistrate division completed 8,692 petitions under the Youth Rehabilitation Act in 1981, 22.6% more than the 7,091 petitions disposed in 1980.

Magistrate Division Appeals

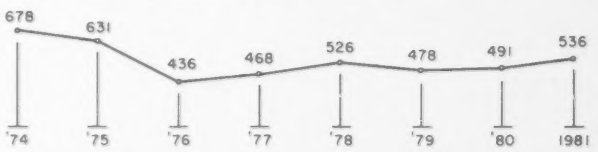
Appeals from the magistrate division continued to occupy an increasing amount of time for Idaho's district court judges. In most cases, appeals from the magistrate division are heard by a district judge based on a certified transcript prepared from an electronic recording of the proceedings in the magistrate division, although in small claims cases, district judges hear appeals on the basis of a new trial or trial *de novo*.

During 1981, 431 appeals in the magistrate division were filed in district court throughout the state, about the same total as in 1980. District judges disposed of a total of 443 appeals by the end of the year.

Child Protective Act Petitions Show Slight Rise

Amendments to the Child Protective Act which took effect in 1976 appear to be keeping down the number of formal petitions under the Act. The Department of Health and Welfare is now authorized to resolve informally certain complaints of child abuse, neglect or abandonment, which may explain the lower number of formal case filings which has been the trend since 1976. The 1981 total of 536 petitions was an increase of only 45 cases from the 1980 total. Of the cases of neglect and abuse coming before the courts in 1981, the courts dealt finally with 544, compared with the 1980 total of 490 dispositions. As society focuses more attention on child abuse and neglect problems, however, the lower case filings trend may be reversed in future years.

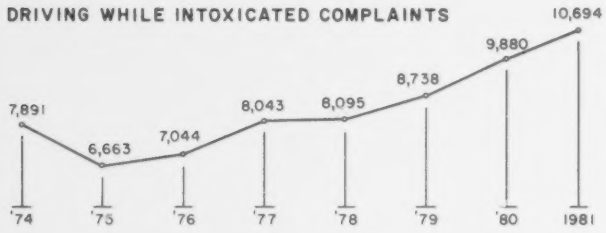
CHILD PROTECTIVE ACT PETITIONS



Alcohol-Related Driving Cases Continue To Accelerate

The number of complaints charging defendants with driving under the influence of alcohol has risen steadily since 1975. Alcohol-related driving complaints filed with the courts jumped 8 percent from the 1980 total of 9,880 cases to 10,694 complaints. The 1981 figures appear to confirm an undesirable trend

upward in alcohol-related driving incidents brought to the attention of the courts. While more aggressive enforcement, rather than increased alcohol usage, could be a cause of the increased case filings, the 1981 level of alcohol-related driving cases is cause for concern for state officials and persons using the public highways.



How Long Justice Is Taking

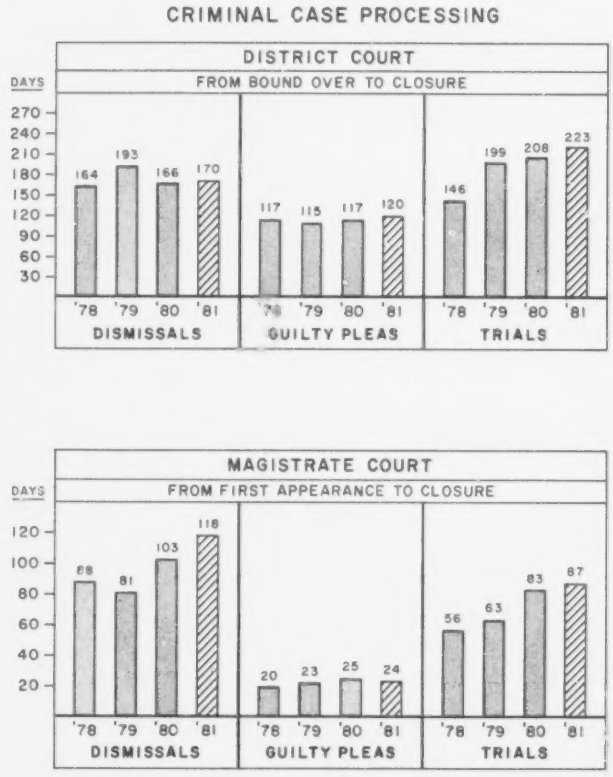
In many cases, the amount of time it takes to get a decision is almost as important as the decision itself. How can one measure how long a defendant should wait in a jail cell before his case is heard, or what is a reasonable wait for a parent in a child custody action? While Idaho has never experienced the five-year trial delays of some of the urban states, the judiciary nevertheless is concerned about delay and has begun measuring its performance.

Even after a case has been filed in court, there are many reasons for delay which are beyond the courts' control. Problems in scheduling witnesses, late filing of attorney briefs, extensions of time to obtain appointed counsel, and extra time needed for presentence reports can delay final disposition of a case.

For years civil case operating times have been left up to the individual litigants, although recently the courts have become more active in moving the civil calendar. Criminal cases always have received a priority in court scheduling. With the help of statutory time limits for certain procedures, criminal case processing times are much less than civil cases.

A recent survey conducted by the Administrative Office of the Courts showed district judges throughout the state calendaring civil trials from 2 to 12 months in advance, with waiting time for criminal trial dates varying from 1 to 5 months. The relationship between pending cases and the time taken to dispose of these cases must be watched carefully, to insure that judicial resources are maintained at needed levels in future years.

The following charts show the average processing times for criminal cases.



While the averages never can tell the story of delay in an individual case, they do help describe the overall picture of court operations. Fortunately, the Idaho Legislature has recognized the importance — and the real costs — of court delay, and consistently has provided the additional trial court judges who have been needed in recent years to meet in timely fashion the rising caseloads caused by the state's growth and development.

The Cost Of Operating The Courts

Idaho's courts are financed by a combination of state, county and municipal expenditures. State general fund monies finance the salaries and travel expenses of all trial judges, trial court administrators and court reporters. The state also finances judicial training programs for trial judges and support personnel.

Counties and two municipalities contribute to the operational costs of the trial courts. Counties, and in a few cases cities, provide court physicial facilities: courtrooms, judges' offices, judicial chambers. They also provide expenditures for court personnel, supplies, equipment, and law libraries.

The Administrative Office of the Courts manages the fiscal operations of the state judiciary, including payroli operations, travel expense reimbursements, accounts payable operations, capital expenditures and employee benefit operations. The annual appropriation request to the legislature is prepared by the administrative office, and the office monitors state judicial expenditures throughout the fiscal year.

State expenditures for fiscal 1981 on behalf of the courts totaled $6,706,689.54. An idea of the proportion of state expenditures for courts as compared with total state expenditures can be gained from the following diagram:

JUDICIAL EXPENDITURES AS A PERCENTAGE OF TOTAL STATE EXPENDITURES

FISCAL YEAR 1981

Local government expenditures for the trial courts are approximately 11.6 million dollars annually, including personnel costs of approximately 6.9 million dollars, support staff, equipment and supplies, remodeling, and maintenance. Courthouses and related court facilities provided by local governments have a fair rental value of approximately 2-2.7 million dollars, or a 21-33 million dollar replacement cost.

The trial courts generate revenues from civil case filing fees, criminal fines and forfeitures, and court costs assessed against defendants. Revenues derived from civil case filing fees are distributed to the state and counties, with a portion going to the judges' retirement fund and code commission funds. Criminal courts costs and fines are distributed to state, county, and municipal governments by a complicated formula, as illustrated on the following page.

During 1976, the Idaho Legislature created a "district court fund," into which the county share of court fees, costs, and fines are channeled. Previously these monies had been allocated to the county current expense funds. The new law places the responsibility for development of trial court budgets and monitoring of expenditures on the administrative judge and trial court administrator in each judicial district.

The courts assess an $11.50 court cost fee against each defendant found guilty in a criminal prosecution. Where magistrate court facilities are provided by the county, $5.00 of the fee is paid to the district court fund of the county and the remaining $6.50 is paid to the state treasurer. Where a city provides the magistrate court facilities, the city retains $5.00 of the court cost fee in its general fund, $2.50 is deposited in a special city account for construction and remodeling of magistrate court facilities, and the remaining $4.00 is paid to the state treasurer. Since only two cities presently provide such facilities, in most cases the $11.50 court cost fee is divided between the county district court fund and the state general fund.

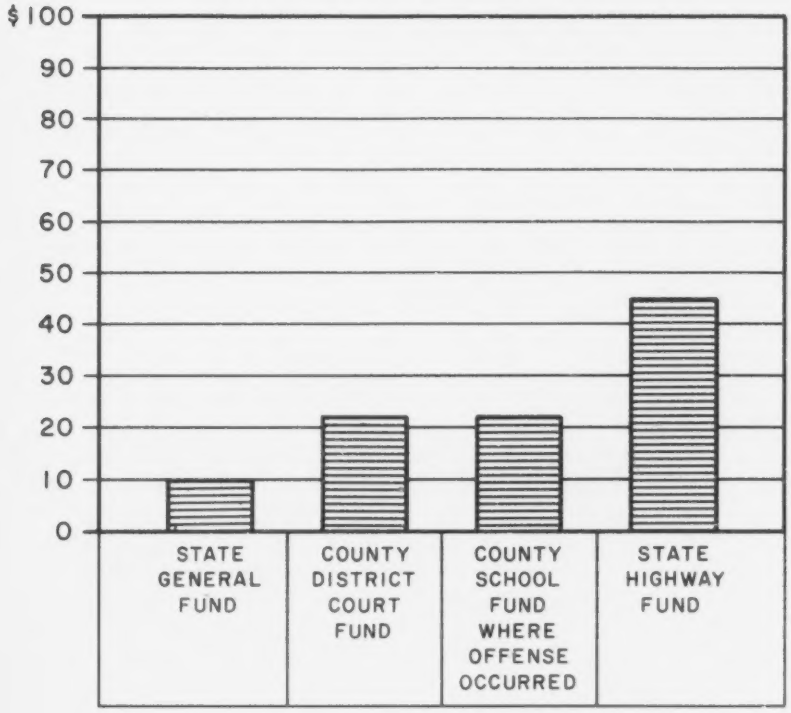
During fiscal 1981, about $1,509,076 was collected by the trial courts from civil case filing fees, with $266,795 going to the state general fund, approximately $600,000 to the county district court funds, $446,916 to the judges' retirement fund, and $195,365 to the code commission fund.

It is estimated that over eight million dollars was assessed by the trial courts as fines and costs during 1981 (exact figures on the amount of fines and costs actually collected are not available, since there presently is no statutory requirement for the compilation, and since records concerning collections are kept in a variety of state and county offices), with proportionate amounts allocated to the state, counties, and cities.

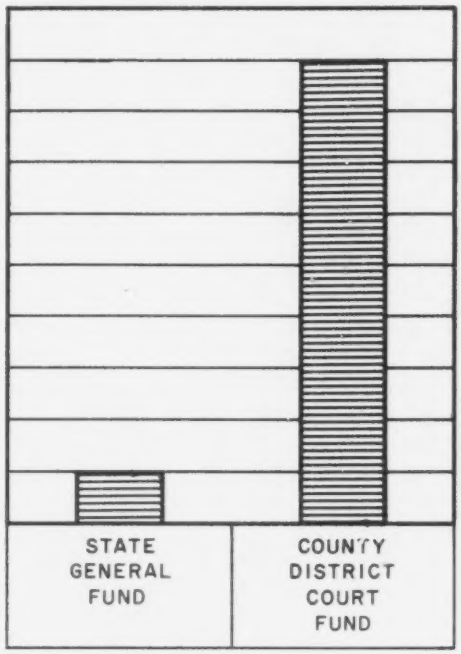
When all government expenditures for court operations are considered, the courts return approximately sixty percent of their costs to all units of government in the form of revenues derived from filing fees, court costs, fines and forfeitures.

AVERAGE DISTRIBUTION OF $100 IN FINES

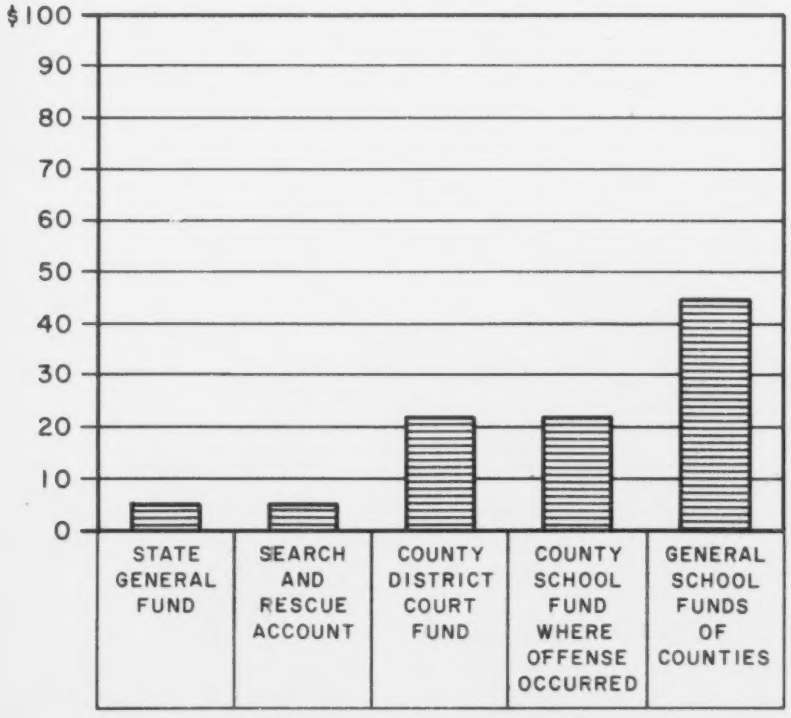
STATE MOTOR VEHICLE LAWS



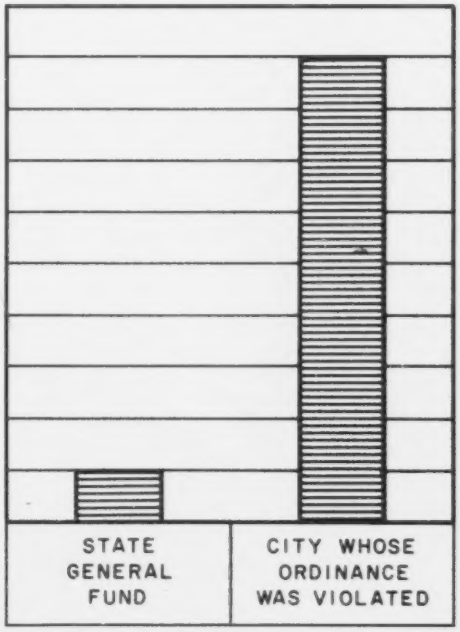
GENERAL STATE LAWS & COUNTY ORDINANCES



FISH AND GAME LAWS



CITY ORDINANCE



New Programs and Developments

Court of Appeals Ready to Go

By the time the Idaho Legislature had counted the last votes on the appropriation bill for the Court of Appeals, the Supreme Court and the Administrative Office of the Courts had already been working for eight months on steps to implement the new court. Preparations for the new court involved every member of the administrative staff and occupied major program activity in 1981.

A volunteer Bar committee headed by Boise attorney Tom Miller made recommendations which were adopted covering publication of Court of Appeals opinions, standards for assigning appeals to the Court of Appeals and guidelines for accepting petitions for review. The Supreme Court set up a streamlined screening system to decide which appeals should be assigned to the new court, and appointed Justice Charles R. Donaldson as the first Assignment Justice. Under Justice Donaldson's leadership, over 300 pending appeals were screened for possible assignment to the Court of Appeals. Chief Justice Robert E. Bakes chaired a volunteer committee of judges and lawyers which recommended new appellate rules for the Court of Appeals, and the new rules were published in July, 1981.

Offices for the three Court of Appeals judges were located and refurbished near the Supreme Court, and office equipment and furniture were in place when the new court opened its doors on January 1, 1982. Law clerks and secretaries were hired in October, a bid for specialized word processing equipment was accepted in November, and a working law library was installed in December. A computerized case reporting system was designed for Court of Appeals cases, including computer-generated notices to attorneys, and the Supreme Court Clerk's office developed systems to handle the workload of the additional appellate court.

Oral arguments for the Court of Appeals were scheduled for the first six months of 1982, with the court to sit in Boise, Caldwell, Hailey, Pocatello, Coeur d'Alene, Sandpoint, Wallace and Moscow. Most important, the Judicial Council took applications and nominated candidates, and the Governor appointed the three judges of the Court of Appeals: The Honorable Jesse R. Walters, The Honorable Roger Swanstrom, and The Honorable Donald Burnett, Jr. Judge Walters will serve as Chief Judge of the Court of Appeals.

Separation of Powers

> The request of the Judicial Department shall be reported as submitted by the department. — Idaho Code § 67-3505.
>
> No reduction of appropriation for the Judicial Department shall be made without the permission in writing of the head of such department. — Idaho Code § 67-3512.

Those paraphrased statements from S.B. 1024 are key elements of sweeping changes made in the state's budget laws in 1981 at the request of the judiciary. A series of meetings between department heads and elected officials in the fall of 1980 led to passage of S.B. 1024, popularly known as the "Separation of Powers Bill," because of the bill's stated intention to redistribute budgetary and appropriation powers among the three branches of state government. Besides clarifying the judiciary's independence from the executive branch in personnel salary setting matters, the bill also provides that the annual judicial appropriation request must be transmitted to the legislature by the Governor as submitted by the judicial branch, and specifies that any future "holdback" of appropriations by executive order may not reduce the judiciary's appropriation without that branch's written permission. Signed into law by Governor John V. Evans, the new series of statutes creates a streamlined "holdback" mechanism by executive order in times of financial emergency.

Enactment of the Separation of Powers Act of 1981 may prove to be one of the most important developments in furthering court unification and judicial independence since the Supreme Court assumed management responsibility over the trial courts in 1962.

Traffic Infractions Act

> "The Chief Justice's foresight in appointing this committee is demonstrated by the committee finding that serious deficiencies exist in the present act, and the committee recommendation that the act not be allowed to go into effect in its present form." — The Honorable John H. Maynard, Chairman, Committee to Study Idaho Traffic Infractions Act.

The 1981 legislature debated and passed a sweeping change in Idaho's traffic laws, H.B. 343, "The Idaho Traffic Infractions Act." At the urging of the judiciary and law enforcement agencies, the new act was postponed at least until July 1, 1982, because of alleged defects in the legislation. To determine whether the Act could be implemented, Chief Justice

Robert Bakes appointed a special committee to study the act composed of judges, trial court administrators, law enforcement representatives, district court clerks, prosecutors, and defense counsel. After months of study, review of drafts, and meetings, the study committee found that H.B. 343, the Idaho Traffic Infractions Act, should not be allowed to go into effect in its present form and that sweeping amendments should be made to the act. The committee proposed 59 pages of amendments which were forwarded to legislative leadership for consideration. It is hoped that the 1982 legislative session will see passages of these amendments, and a workable traffic infractions act will be in effect by January 1, 1983.

Cameras in the Courtroom

> "I hope that broadcast and photographic coverage will help educate the public about the judicial process and heighten citizen awareness of legal rights and responsibilities." — The Honorable Jesse R. Walters, Chief Judge, Idaho Court of Appeals.

In November of 1981, the Supreme Court and Court of Appeals approved broadcast and photographic coverage of proceedings of the Idaho Court of Appeals. Broadcast and photographic coverage of appellate proceedings in Idaho began in August 1979, when the Supreme Court first allowed coverage of hearings in its own courtroom in Boise. Since that time, the Supreme Court has extended coverage to appellate hearings in other locations around the state. The three Court of Appeals judges voted unanimously to recommend that the Supreme Court approve broadcast and photographic coverage of Court of Appeals hearings.

Broadcast and photographic coverage is limited to accredited members of the working press and is subject to guidelines limiting location and numbers of television cameras and still photographers.

Boise Traffic Court Opens

The final result of two years of work by judicial officials came to fruition with the opening ceremonies in October, 1981 of the City-County Traffic Building in Boise. Those attending the formal dedication ceremony for the new facility heard speeches by Governor John V. Evans, Chief Justice Robert E. Bakes, Mayor Richard E[illegible]dley, State Senator James Risch, State Representative Larry Harris, and Merrily Munther, President of the Boise Bar. Master of Ceremonies, Attorney General David Leroy, pointed out that the Barrister Drive facility, adjacent to the City-County Law Enforcement Building, will handle a volume equal to 25% of the total statewide traffic caseload, and 18% of all cases filed in the state courts. Construction of the new facility was made possible by enactment of legislation in 1980 which provided an additional portion of court cost fees to cities, like Boise, which provide magistrate court facilities.

Pattern Civil Jury Instructions

Initially published by the Idaho State Bar in 1974, the Pattern Civil Jury Instructions are undergoing a complete modernization. Used by judges and lawyers to prepare jury instructions in civil cases, the availability of such instructions reduces time in case processing and lessens the likelihood of reversible error in civil trials. Chief Justice Charles R. Donaldson began chairing a volunteer committee of lawyers and judges appointed in 1981, which hopes to complete its work to revise the Pattern Jury Instructions by the spring of 1982. Other committee members include: The Honorable Arnold T. Beebe; The Honorable G. D. Carey; The Honorable Dar Cogswell; J. Robert Alexander; Brian L. Ballard; Larry R. Duff; Richard C. Mellon; William A Stellmon; Jeffrey A. Strother; Jay D. Sudweeks; Louis F. Racine; and Kit Furey, Committee Reporter.

Attorney General System On-Line

Completing work begun in 1980, staff of the Administrative Office of the Courts led by Tom Hudson and John Blout, threw the switches in July 1981 to inaugurate an on-line computerized management system designed to assist the office of the Attorney General. In cooperation with Attorney General David H. Leroy, computer terminals now provide the Attorney General's office with information which allows the office to monitor its pending caseloads. On-line records of all active cases represented by the Attorney General anywhere in the United States are available, providing supervising attorneys in that office with current management reports showing status of cases and documents due to be filed, as well as data for reports required by statute.

Administrative Rules Indexed

Since the 1960's, the State Law Library has maintained extensive files of administrative rules adopted by state agencies and commissions. These rules comprise the official record of state agency regulations. Under the assistance of State Law Librarian

Laura Pershing, library staff in 1981 completed the first Administrative Rules Index, and implemented a uniform format and numbering system for administrative rules. The Administrative Rules Index and the new numbering system will for the first time enable attorneys and other interested parties to conduct comprehensive research involving state agency regulations.

Managing Court Reporter Services

With the new Court of Appeals a reality, attention is turning to delays in the early stages of the appellate process. A key element of appellate delay is the length of time it takes to prepare a transcript of the trial or hearing involved in the appeal. Traditionally, those transcripts are prepared by court reporters using stenographic machinery (and lately in some cases assisted by computers) to record an exact record of the trial court proceedings. Recent studies by the Administrative Office of the Courts have shown that the average time for preparation of an appeal transcript has ballooned from 118 days to 171 days since 1978. To reduce appellate delay, new computerized monitoring reports have been developed to track the progress of transcript preparation, and a series of meetings have been held with court reporters and judges in an attempt to eliminate backlogs. In some cases the Supreme Court has ordered transcripts to be prepared from electronic recordings, and has issued other orders designed to speed up transcript preparation.

Other Developments

Other developments during 1981 included:

- A task force of judges, prosecutors and public defenders, and representatives of the Fourth District Bar Association was formed in 1981 to deal with calendar problems caused by increasing criminal caseloads in Ada County. As a result of task force meetings, pilot programs were implemented to establish pre-trial conference procedures and an early communication system between the prosecutor and public defender.
- A revised *Guide to the Idaho Courts* was published by the Administrative Office of the Courts, providing information useful to educational institutions, news reporters, and the general public concerning how the courts operate.
- The Administrative office began conversion of the statewide withheld judgement registry to on-line processing, to facilitate inquiries from sentencing judges concerning defendant histories. Use of this central registry became more critical in 1981, when presentence investigation services were dropped by the State Department of Corrections.
- The orientation training program for new judges was expanded to a full two-day program during 1981, with a revamped course including sentencing, jury and court trial techniques, Uniform Commercial Code transactions, and ethics issues.
- A new salary system for magistrates was developed for proposal to the 1982 legislature to link non-lawyer magistrate judge salaries to case dispositions and jurisdiction.
- A position paper was adopted outlining the impact of district court fund mill levies and the One Percent Initiative on court spending by local counties.
- Model jury questionnaire forms were adopted by administrative judges and trial court administrators for recommended use in all counties.
- A detailed report of standards to be used by trial courts in automating court information systems reports was approved, to make automated caseload reports received by the Administrative Office of the Courts more uniform.

1981 Legislation Affecting the Courts

The first regular session of the Forty-sixth Idaho Legislature passed numerous bills which affect court operations, as has been the trend in recent years. Most legislation enacted in 1981 had a positive effect on the courts.

Appellate Reform

The 1980 legislature made the first structural change in the Idaho Court system since 1969, by creating the Idaho Court of Appeals. The 1981 legislature funded the Court of Appeals and enabled it to begin operations in January of 1982. Senate Bill 1209 met with suprising support to make technical amendments to the Court of Appeals Act and enable it to begin hearing cases in 1982. A related bill, S.B. 1022, helped to provide funding for the new court by raising civil case filing fees and criminal court costs.

A companion effort to reduce appellate backlog saw enactment of S.B. 1020, which increased the interest rate on court judgments from 8% to 18% on July 1, 1981. Some court officials feel that the new bill is already influencing the number of new appeals.

A third element of appellate court reform sought by the Forty-sixth Legislature was passage of HJR 2, a proposed constitutional amendment offering the voters an opportunity to eliminate the present rotation of the Chief Justice office in favor of a four-year term. If approved by the voters in November, 1982, the Chief Justice would be selected by the other members of the Supreme Court.

Separation of Powers

The independent nature of the judiciary as a separate branch of government was preserved through passage of S.B. 1024, which provides that the judicial appropiation request must be transmitted to the legislature by the Govenor as submitted by the judicial branch. In previous years, the judicial appropriation request had been subject to analysis by the executive branch, and the Governor had to report his recommendations on the court request as if the courts were another executive agency. S.B. 1024 also created a new system of executive branch "holdbacks" of appropiations by executive order in times of financial emergency, but any reduction of appropriations for the legislature or judiciary must be approved by those separate branches. S.B. 1024 was an important prerequisite to maintaining the fiscal independence of the state court system. In preserving the separate powers of the three branches of state government, S.B. 1024 is faithful to the system of checks and balances which is established in the United States Constitution and has been built into the structure of all state constitutions.

Traffic Infractions Act

In 1981 the legislature adopted a sweeping change in Idaho's traffic laws, which would create a new classification of "infractions," to cover minor traffic offenses. The new law would eliminate jury trials and the right to court appointed counsel for indigents in infraction matters. At the request of the judiciary and law enforcement agencies, the law will not take effect until at least July 1, 1982, to give the legislature an opportunity to further amend the new law which has a number of technical defects.

Trial Courts Changes

The legislature increased the jurisdiction of small claims departments from $1,000 to $2,000 (H.B. 246), said that the question of whether to sequester juries in murder trials should be left to the trial judge's discretion, (S.B. 1075), and made it a misdemeanor to fail to appear in answer to a misdemeanor citation (S.B. 1017). An additional district judge was approved in Nez Perce County (S.B. 1006), but another district judge for Ada County was turned down. Reversing its action a year ago, the legislature reinstituted the requirement of a resident magistrate in each county, subject only to a waiver of the requirement by the county commissioners (H.B. 249).

Juvenile Laws

A statutory conflict was clarified by H.B. 172, which made 14 years the age at which a juvenile could be treated as an adult in a criminal proceeding. The legislature then adopted H.B. 283, which requires that juveniles who commit violent offenses such as murder, robbery, or rape, will automatically be treated as adults and prosecuted in the district court. With passage of H.B. 279, alcohol and tobacco violations by juveniles will be treated as adult offenses, and approval of H.B. 313 gives alternate jurisdiction over juvenile offenses to the magistrate division in the county in which an offense took place, as well as the resident county of the juvenile.

Grand Juries

Idaho's little-used grand jury law received new vitality with passage of S.B. 1160, which will allow specific inquiries into alleged criminal activity. It is still unclear whether these changes in the grand jury law will result in more use of grand juries as an alternative to preliminary hearings before a judicial officer.

Crime and Punishment

In addition to creating new crimes, (violation of loan broker's statutes, felony riots, unauthorized use of food stamps, solicitation for prostitutuion by males, and racketeering), and consolidating Idaho's theft laws, the legislature added tough new mandatory penalties for certain criminal activity. H.B. 250 provides a mandatory minimum penalty of three years in the state penitentiary for second-time felony drug traffickers, while H.B. 277 adds additional consecutive sentences of from 5 to 20 years for felons inflicting great bodily injury and from 3 to 5 years for repeated sex offenses, extortion, and kidnapping.

A complete list of bills enacted into law in 1981 which affect or are of interest to the judiciary is available upon request from the Administrative Office of the Courts.

Index to Exhibits

Exhibit A: IDAHO JUDGES

Exhibit B: ADMINISTRATIVE JUDGES AND TRIAL COURT ADMINISTRATORS

Exhibit C: DISTRICT COURT CASES

Exhibit D: MAGISTRATE DIVISION CASES

Exhibit E: SUPREME COURT CASELOAD

Exhibit A

IDAHO JUDGES

District Court Judges

JUDICIAL DISTRICT ONE
- The Honorable Watt E. Prather, Administrative Judge
- The Honorable James G. Towles
- The Honorable Dar Cogswell
- The Honorable Gary M. Haman

JUDICIAL DISTRICT TWO
- The Honorable John H. Maynard, Administrative Judge
- The Honorable Andrew Schwam
- The Honorable Roger Swanstrom
- The Honorable Ron Schilling

JUDICIAL DISTRICT THREE
- The Honorable Edward J. Lodge, Administrative Judge
- The Honorable Gilbert C. Norris
- The Honorable Jim R. Doolittle
- The Honorable Lloyd C. McClintick

JUDICIAL DISTRICT FOUR
- The Honorable Jesse R. Walters, Administrative Judge
- The Honorable J. Ray Durtschi
- The Honorable W. E. Smith
- The Honorable Gerald F. Schroeder
- The Honorable Robert M. Rowett
- The Honorable Robert Newhouse

JUDICIAL DISTRICT FIVE
- The Honorable Douglas D. Kramer, Administrative Judge
- The Honorable Theron W. Ward
- The Honorable George Granata, Jr.
- The Honorable Daniel B. Meehl
- The Honorable Ronald Bruce

JUDICIAL DISTRICT SIX
- The Honorable Arthur P. Oliver, Administrative Judge
- The Honorable George W. Hargraves
- The Honorable Francis J. Rasmussen
- The Honorable Peter D. McDermott

JUDICIAL DISTRICT SEVEN
- The Honorable H. Reynold George, Administrative Judge
- The Honorable Willard C. Burton
- The Honorable Arnold T. Beebe
- The Honorable Boyd R. Thomas

As of December 31, 1981

Judges of the Magistrate Division

JUDICIAL DISTRICT ONE
- The Honorable Richard L. McFadden
- The Honorable Quentin Harden
- The Honorable Craig C. Kosonen
- The Honorable Lennis McLeod
- The Honorable Virginia R. Balser
- The Honorable Albert H. Parisot, Jr.
- The Honorable Donald F. Gumaer
- The Honorable Hardy C. Lyons
- The Honorable John T. Ramstedt
- The Honorable Don L. Swanstrom ★

JUDICIAL DISTRICT TWO
- The Honorable Ralph H. Haley
- The Honorable Robert T. Felton
- The Honorable Martin V. Huff
- The Honorable D. K. Worden, Jr.
- The Honorable George Ray Reinhardt III
- The Honorable William M. Smith ★

JUDICIAL DISTRICT THREE
- The Honorable Robert W. Whiteman
- The Honorable Jack D. Swafford
- The Honorable Milton Birnbaum
- The Honorable A. Marvin Cherin
- The Honorable Alfred O. Perry
- The Honorable Charles J. Jurries
- The Honorable William D. Jordan
- The Honorable Stephen W. Drescher
- The Honorable Gregory Culet
- The Honorable Bryant E. Behrmann

JUDICIAL DISTRICT FOUR
- The Honorable G. D. Carey
- The Honorable L. Alan Smith
- The Honorable Lewis W. Woods
- The Honorable Wayne P. Willis
- The Honorable John Sellman
- The Honorable Richard Schmidt
- The Honorable A. Richard Grant
- The Honorable Alan M. Schwartzman
- The Honorable Darla S. Williamson
- The Honorable Warren H. Gilmore ★
- The Honorable R. Michael Dennard
- The Honorable E. Kay Hamilton
- The Honorable Thomas Morden
- The Honorable Patricia G. Young
- The Honorable Earl T. Whitman

JUDICIAL DISTRICT FIVE
- The Honorable Daniel L. Alban
- The Honorable Charles W. Packham
- The Honorable Nathan Higer
- The Honorable Melvin C. Edwards
- The Honorable Roy C. Holloway
- The Honorable R. Michael Redman
- The Honorable Phillip M. Becker ★
- The Honorable Daniel C. Hurlbutt
- The Honorable Roger Burdick
- The Honorable Charles Brumbach
- The Honorable Robert D. Workman

JUDICIAL DISTRICT SIX
- The Honorable Dell W. Smith
- The Honorable Robert W. Bennett
- The Honorable William W. Woodland
- The Honorable Willis J. Ward
- The Honorable Genevieve Young
- The Honorable Ann P. Davis
- The Honorable Ralph W. Hadfield
- The Honorable William H. Woodland
- The Honorable Richard F. Hammond ★
- The Honorable L. R. Schou
- The Honorable Howard Armstrong
- The Honorable Wallace M. Transtrum

JUDICIAL DISTRICT SEVEN
- The Honorable Robert C. Brower
- The Honorable Linda J. Cook
- The Honorable Glenn A. Phillips
- The Honorable Mildred R. McClure
- The Honorable Arthur A. Wright
- The Honorable Jerry D. Reynolds
- The Honorable Milton A. Slavin
- The Honorable Harold S. Forbush
- The Honorable Willis Moffat
- The Honorable Grant L. Young
- The Honorable William W. Black ★
- The Honorable James L. Martsch

★ Trial Court Administrator who also serves as Magistrate.

As of December 31, 1981

Exhibit B

ADMINISTRATIVE JUDGES AND TRIAL COURT ADMINISTRATORS

Administrative Judges

The Honorable Watt E. Prather, Administrative Judge ..... District 1
The Honorable John H. Maynard, Administrative Judge ..... District 2
The Honorable Edward J. Lodge, Administrative Judge ..... District 3
The Honorable Jesse R. Walters, Administrative Judge ..... District 4
The Honorable Douglas D. Kramer, Administrative Judge ..... District 5
The Honorable Arthur P. Oliver, Administrative Judge ..... District 6
The Honorable H. Reynold George, Administrative Judge ..... District 7

Trial Court Administrators

The Honorable Don L. Swanstrom, Trial Court Administrator ..... District 1
The Honorable William M. Smith, Trial Court Administrator ..... District 2
B. James Koehler, Jr., Trial Court Administrator ..... District 3
The Honorable Warren H. Gilmore, Trial Court Administrator ..... District 4
The Honorable Phillip M. Becker, Trial Court Administrator ..... District 5
The Honorable Richard F. Hammond, Trial Court Administrator ..... District 6
The Honorable William W. Black, Trial Court Administrator ..... District 7

Exhibit C

Judicial Management Information System (District Court)

TOTAL CASELOAD AND DISPOSITION SUMMARY

CLS-400 IDAHO JUDICIAL MANAGEMENT INFORMATION SYSTEM

CASE FILINGS AND DISPOSITION SUMMARY

* STATEWIDE REPORT * JANUARY 1 THRU DECEMBER 31, 1981 STATE DC

* DISTRICT COURT * TYPE-OF-CASE DESCRIPTION	CASE FILINGS	*** TYPE-OF-DISPOSITIONS *** W/O TRIAL	WITH TRIAL	UN-KNOWN	TOTAL DISPOS.	CASES PENDING DEC 31
11 DOMESTIC RELATIONS	656	429	474		903	522
12 PERSONAL INJ / PROP. DAMAGE.	1,108	842	299		1,141	1,652
13 SUPPORT PROCEEDINGS	297	485	53		538	111
14 OTHER COMPLAINTS & PETITIONS	3,975	3,131	1,730		4,861	4,999
15 SMALL CLAIMS	0					
** TOTAL - CIVIL CASES **	6,036	4,887	2,556		7,443	7,284
* DISTRICT COURT APPEALS *	277	166	146		312	232
21 FELONIES - DRUG	342	110	254		364	155
21 FELONIES - D.W.I.	157	71	115		186	71
21 FELONIES - ALL OTHER	2,960	787	2,110		2,897	1,179
23 TRAFFIC - OTHER THAN DWI . .	1	1	1		2	
24 MISDEMEANORS - DRUG	11	4	10		14	3
24 MISDEMEANORS - D.W.I. . . .	16	8	11		19	1
24 MISDEMEANORS - ALL OTHER . .	234	68	163		231	29
** TOTAL - CRIMINAL CASES **	3,721	1,049	2,664		3,713	1,438
* DISTRICT COURT APPEALS *	102	59	36		95	86
30 Y.R.A. PROCEEDINGS - DRUG .	0					
30 Y.R.A. PROCEEDINGS - D.W.I.	0					
30 Y.R.A. PROCEEDINGS - OTHER .	0	1			1	
31 CHILD PROTECTIVE ACT CASES .	0					
32 ADOPTION - TERM.PARENT PROC.	2	1	2		3	
34 GUARDIANSHIP OF MINORS . . .	2	1	2		3	
35 GUARDIANSHIP- INCAP. PERSONS	0	1			1	
36 INFORMAL ESTATE PROCEEDINGS	1	4	1		5	1
37 FORMAL ESTATE PROCEEDINGS .	1	1	2		3	
40 HABEAS CORPUS PROCEEDINGS .	66	37	28		65	34
41 ALL OTHER SPECIAL HEARINGS .	63	33	43		76	35
** TOTAL - SPEC. PROCEEDINGS **	135	79	78		157	70
* DISTRICT COURT APPEALS *	52	25	11		36	39
** TOTALS OF ALL CASES **	9,892	6,015	5,298		11,313	8,792
* DISTRICT COURT APPEALS *	431	250	193		443	357

Exhibit D

Judicial Management Information System
(Magistrate Division)

TOTAL CASELOAD AND DISPOSITION SUMMARY

CLS-400 IDAHO JUDICIAL MANAGEMENT INFORMATION SYSTEM

CASE FILINGS AND DISPOSITION SUMMARY

* STATEWIDE REPORT * JANUARY 1 THRU DECEMBER 31, 1981 STATE MD

* MAGISTRATE DIVISION * TYPE-OF-CASE DESCRIPTION	CASE FILINGS	*** TYPE-OF-DISPOSITIONS *** W/O TRIAL	WITH TRIAL	UN-KNOWN	TOTAL DISPOS.	CASES PENDING DEC 31
11 DOMESTIC RELATIONS	8,976	1,955	7,501		9,456	3,771
12 PERSONAL INJ / PROP. DAMAGE.	636	587	87		674	582
13 SUPPORT PROCEEDINGS	2,928	3,594	959		4,553	1,393
14 OTHER COMPLAINTS & PETITIONS	13,158	11,171	2,306		13,477	9,045
15 SMALL CLAIMS	14,217	6,558	9,813		16,371	2,558
** TOTAL - CIVIL CASES **	39,915	23,865	20,666		44,531	17,349
21 FELONIES - DRUG	496	291	247		538	84
21 FELONIES - D.W.I.	364	271	111		382	61
21 FELONIES - ALL OTHER	5,334	4,368	1,602		5,970	1,701
23 TRAFFIC - OTHER THAN DWI . .	199,213	196,240	4,947		201,187	3,834
24 MISDEMEANORS - DRUG	954	419	606		1,025	183
24 MISDEMEANORS - D.W.I. . . .	10,153	2,105	8,900		11,005	1,917
24 MISDEMEANORS - ALL OTHER . .	22,199	8,673	14,888		23,561	4,479
** TOTAL - CRIMINAL CASES **	238,713	212,367	31,301		243,668	12,259
30 Y.R.A. PROCEEDINGS - DRUG .	52	35	35		70	18
30 Y.R.A. PROCEEDINGS - D.W.I.	4	3	2		5	2
30 Y.R.A. PROCEEDINGS - OTHER .	6,860	3,311	5,306		8,617	1,576
31 CHILD PROTECTIVE ACT CASES .	536	194	350		544	276
32 ADOPTION - TERM.PARENT PROC.	1,058	88	1,035		1,123	318
34 GUARDIANSHIP OF MINORS . . .	207	92	277		369	153
35 GUARDIANSHIP- INCAP. PERSONS	295	79	294		373	192
36 INFORMAL ESTATE PROCEEDINGS	2,995	2,525	1,820		4,345	1,805
37 FORMAL ESTATE PROCEEDINGS .	657	444	667		1,111	456
40 HABEAS CORPUS PROCEEDINGS .	157	62	79		141	53
41 ALL OTHER SPECIAL HEARINGS .	772	329	546		875	343
** TOTAL - SPEC. PROCEEDINGS **	13,593	7,162	10,411		17,573	5,192
** TOTALS OF ALL CASES **	292,221	243,394	62,378		305,772	34,800

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Exhibit E

Supreme Court Caseload Report

COMPARATIVE SUMMARY STATUS OF THE CALENDAR FOR THE YEAR ENDING DECEMBER 31, 1981	Total Pending At Beginning Of Year	Added/ Transferred	Disposed Of	Total Pending At End Of Year	Difference Pending At Beginning And End — Number	Difference Pending At Beginning And End — Percentage
Appeals by Type:						
District Court — Civil						
a. Auto Negligence	0	0	0	0	0	
b. Other Negligence	4	0	3	1	-3	
c. Tax Appeals	6	3	3	6	0	
d. Domestic Relations	28	13	9	32	4	
e. YRA/CPA	3	0	3	0	-3	
f. Environment/Zoning	4	7	2	9	5	
g. All Other Civil	326	181	139	368	42	
Total District Court — Civil	**371**	**204**	**159**	**416**	**45**	**12%**
District Court — Criminal						
a. Judgments	137	90	64	163	26	
b. Post-Conviction Relief	12	7	8	11	-1	
c. Habeas Corpus Appeals	10	5	5	10	0	
d. All Other Criminal	22	26	12	36	14	
Total District Court — Criminal	**181**	**128**	**89**	**220**	**39**	**22%**
Agency Appeals						
a. Industrial Commission	41	24	24	41	0	
b. Public Utilities Commission	16	5	10	11	-5	
Total Agency Appeals	**57**	**29**	**34**	**52**	**-5**	**-9%**
Appeal by Certification	0	20	13	7	7	
TOTAL APPEALS	**609**	**381**	**295**	**695**	**86**	**14%**
Petitions and Motions:						
Extensions of Time		753	790			
Motion to Dismiss		165	159			
Petition For Rehearing		33	36			
Other		556	538			
Total Petitions and Motions		**1,507**	**1,493**			
Original Actions:						
Mandamus	2	12	13	1	-1	
Prohibition	0	10	7	3	3	
Habeas Corpus	4	33	34	3	-1	
Other	2	12	11	3	1	
Total Original Actions	**8**	**67**	**65**	**10**	**2**	**25%**
Disciplinary Proceedings:						
Suspensions or Disbarments	1	0	1	0	-1	
Other	2	7	2	7	5	
Total Disciplinary Proceedings	**3**	**7**	**3**	**7**	**4**	**133%**

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